

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.

1125 Atlantic Avenue - Third Floor

Atlantic City, NJ 08401

(609) 344-3161

File No. 51154.22

Attorney for Defendant, Marina District Development Company, LLC d/b/a Borgata Hotel
Casino & Spa

JOHAN DANIYAN,

: NO. 07-cv-02734 (JHR)(JS)

Plaintiff :

vs. :

Civil Action

BORGATA HOTEL CASINO,

: **PROPOSED VOIR DIRE**

Defendant. :

1. What is your name, date and place of birth?
2. What is your county of residence? How many years have you resided there?
3. Have you ever been convicted of any indictable offense in any state or federal court?
4. Do you have any physical or mental disability which would prevent you from properly serving as a juror?
5. This trial is expected to last for approximately two (2) to three (3) weeks. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?
6. Do you have any medical, personal or financial problem that would prevent you from serving on this jury?

7. Do any of you have a special need or require a reasonable accommodation to help you in listening, paying attention, reading printed materials, deliberating, or otherwise participating as a fair juror? The court will provide reasonable accommodations to your special needs but I can and will only be aware of any such needs if you specifically let me know about them. My only purpose in asking you these circumstances relates to your ability to serve as a juror. If you have any such request, please raise your hand and I will speak to you at sidebar.
8. What is your highest level of education?
9. What is your present occupation?
10. What are your specific job duties and responsibilities?
11. Have you ever done any type of work which is substantially different from what you do now?
12. What television shows do you watch?
13. From what sources do you learn the news, i.e. what newspapers do you read, radio stations do you listen to, TV news stations do you watch or websites do you visit?
14. What bumper stickers, if any, do you have on your automobile, bicycle, airplane and/or motorcycle?
15. Have you ever testified in any court proceeding?
16. Have you ever served on a trial jury before today, here in New Jersey or in any state court or federal court?

17. Are you married? If so, how long have you been married and what is your spouse's present occupation?
18. Do you have children? If so, what are their ages and what is their current grade level in school and/or current occupation?
19. Is there anything else that you feel is important for the parties in this case to know about you?
20. Do you know anything about this case, aside from what I've just described to you? If so, where did you learn this information?
21. Did you hear anyone talking about this case at any point today, and/or talking about a case that could be similar to this?
22. Do you know any other members of the jury panel? If so, who?
23. Do you know any of the parties, attorneys or law firms in this case?
24. Do you know any of the potential witness in this case?

Joanne Danyian	East Orange, New Jersey
Ella Simpson	Elwood, New Jersey
Dr. Arthur H. Tiger	Dover, New Jersey
Jim Shimp	Elmer, New Jersey
Rocco Nicosia	Atlantic City, New Jersey
Susan Haggerty Guld	Mays Landing, New Jersey
Alex Macchione	Atlantic City, New Jersey
Earl Miller	Atlantic City, New Jersey
James Woodson	Atlantic City, New Jersey
Ross Hamstra	Atlantic City, New Jersey
Thai Lee	Atlantic City, New Jersey

Levi Bailey	Atlantic City, New Jersey
Richard Milanes	Atlantic City, New Jersey
Enrique Vargas	Atlantic City, New Jersey
Santosh Kuruvilla	Debai, India
Mira Zaras	Atlantic City, New Jersey
Harry Flores	Atlantic City, New Jersey
Ezzat Hanna	Atlantic City, New Jersey
Sandra Becker	Atlantic City, New Jersey
Victor Vega	Mays Landing, New Jersey
Ray Gronau	Atlantic City, New Jersey
Karen Brundage-Johnson	Atlantic City, New Jersey
L. Thomas	Atlantic City, New Jersey
Arlene Arcara	Little Egg Harbor, New Jersey
Sherri Langsdorf	Absecon, New Jersey
William Frese	Cincinnati, Ohio
Nancy Lorraine	Williamstown, New Jersey
Dr. Glenn Zuck	Somers Point, New Jersey

25. Do you, any member of your family or close friend know anyone who works for Dr. Arthur H. Tiger, Dr. Glenn Zuck or James Shimp?
26. Do you, any member of your family, close friend, or anyone for whom you have worked, know anyone who works for the Borgata Hotel, Casino & Spa and/or works in any Atlantic City casino?
27. Do you have any strong feelings for or against casinos that would interfere with your ability to be fair and impartial in this case?

28. Can you accept the law as explained by this Court and apply it to the facts regardless of your personal beliefs about what the law is or should be?
29. Would your verdict in this case be influenced in any way by any factors other than the evidence in the courtroom, such as friendships or family relationships or the type of work you do?
30. At the conclusion of the case, the Judge will instruct you as to the law which must be applied to this case. Does anyone feel that they would have a problem following those instructions?
31. Do you have a bias for or against a plaintiff simply because he or she has brought a lawsuit?
32. Do you have a bias for or against a defendant simply because a lawsuit has been brought against him or her?
33. This lawsuit involves a claim by plaintiff Johan Daniyan, a former heavy porter at defendant's casino hotel, who generally contends that he was discriminated and retaliated against by the Borgata because he was terminated following a work related injury (rather than his job performance). Is there anything about this type of case that would affect your ability to be fair and impartial?
34. Based on what I have told you, is there anything about this case or the nature of the claim itself, that would interfere with your ability to be fair and impartial and to apply the law as instructed by the court?
35. If the law and evidence warranted, would you be able to render a verdict in favor of the plaintiff or defendant regardless of any sympathy you may have for either party?

36. The law requires that a plaintiff has to prove the fault of a defendant before he or she is entitled to recover money damages from that defendant. Do you have any difficulty accepting that concept?
37. The law allows an employee to be fired for false cause or for no cause at all, and despite that the firing may be unfair, that does not make it illegal. Do you have any difficulty accepting this concept, and applying it in this case?
38. In this case the Borgata is entitled to be treated the same as anyone else and is entitled to make any legitimate business decision, whether or not you agree with that decision. Would any of you have any difficulty in accepting the Borgata's decisions, whether or not you agree with that decision?
39. Do you feel that money damages in lawsuits are often too large, too small or about right?
40. Have you or someone close to you ever been a victim of or been accused of inappropriate or unfair treatment in an employment setting? If so, please describe.
41. Generally, how fair do you think employers are to their employees?
42. Have you, any members of your family, or close friends at any time suffered from any back pain or injuries? If so, please describe.
43. Would the fact that the Plaintiff in this matter has, or may have had, a back problem interfere with your ability to be fair and impartial with respect to all of the parties, and/or would it interfere with your ability to base your decision in this matter solely on the evidence?
44. Have you ever worked in human resources?
45. Have you ever or do you currently work in a supervisory position, and if so, how many employees do you supervise?

46. Have you as an administrator and/or manager ever had to discipline, hire, fire or lay-off someone from employment? If so, please describe.
47. Have you, any member of your family or close friend ever been disciplined, demoted, terminated or laid off? If so, please describe.
48. Do you or anyone in your family have any background, training or experience, or actually work in any of the following: Health Care, Medical Services, and/or Insurance Claims?
49. Do you or anyone in your family have any background or experience working in the legal industry and/or profession?
50. Have you, any member of your family, close friend, or anyone for whom you have worked, ever filed a lawsuit for discrimination and/or has a discrimination lawsuit ever been filed against you, any member of your family, close friend or anyone for whom you have worked? If so, what was your role in that lawsuit? If so, what was the nature of that case, the extent of your involvement and outcome?
51. Have you, any member of your family, close friend, or anyone for whom you have worked, ever filed a lawsuit against anyone? If so, what was the nature of that case, the extent of your involvement and outcome?
52. Have you, any member of your family or close friend been fired or let go by an employer? If so, please describe.
53. Do you believe that you, any family member, or any close friends have ever been treated unfairly by an employer? If so, please fully explain the circumstances?
54. Have you, a family member, or any close friends ever been terminated from a job under circumstances which you felt were unfair? If so, please describe.

55. Have you ever filed any sort of action against any employer? Action is defined as any internal complaint or complaint with an administrative agency or a lawsuit or grievance. If so, please describe.
56. Have you ever had any action filed against you as an employer? Action is defined as any internal complaint or complaint with an administrative agency or a lawsuit or grievance. If so, please describe.
57. Have you, any member of your family or close friend ever filed a claim for workers' compensation? If so, please describe.
58. Have you, any member of your family or close friend ever been injured on the job? If so, please describe.
59. Have you, any member of your family or close friend ever requested light duty or any accommodation in the work place? If so, please describe.
60. Have you or anyone close to you ever missed a significant amount of time from work for health related reasons (excluding pregnancy)?
61. What else do you feel is important for us to know?

COOPER LEVENSON APRIL NIEDELMAN
& WAGENHEIM, P.A.

By: 

NANCY A. VALENTINO, ESQUIRE
Attorney for Defendant, Marina District
Development Company,
LLC d/b/a Borgata Hotel Casino & Spa

DATED: JANUARY 3, 2011

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